

**Minutes of Meeting  
BOARD FOR CONTRACTORS  
INFORMAL FACT-FINDING CONFERENCES  
March 28, 2006 (2:30 p.m.)**

The Board for Contractors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act

Robert Kirby, Board member, presided No other Board members were present

Jennifer Kazzie appeared for the Department of Professional and Occupational Regulation

The conferences were recorded by Inge Snead & Associates, LTD and the Summaries or Consent Orders are attached unless no decision was made

Disc = Disciplinary Case

Lic = Licensing Application

RF = Recovery Fund Claim

Trades = Tradesmen Disciplinary Case/Application

C = Complainant/Claimant

A = Applicant

R = Respondent/Regulant

W = Witness

Atty = Attorney

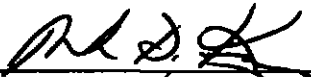
Participants

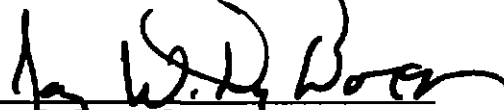
- 1 Cornerstone Custom Builders Inc  
File Number 2006-00589 (Disc)  
(CONSENT ORDER)

Larry Simpson – R  
Emily Theimer – W

The meeting adjourned at 3 15 p m

BOARD FOR CONTRACTORS

  
\_\_\_\_\_  
Mark D. Kinser, Chairman

  
\_\_\_\_\_  
Jay DeBoer, Secretary

**COPY TESTE**

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**Custodian of Records**

IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS

Re     Cornerstone Custom Builders Inc, t/a Cornerstone Custom Builders Inc  
         Culpeper, VA 22701

File Number            2006-00589  
License Number        2705014281

**CONSENT ORDER**

Respondent Cornerstone Custom Builders Inc, t/a Cornerstone Custom Builders Inc ("Cornerstone Custom Builders Inc") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws

Board's 2003 Regulations provides

**18 VAC 50-22-200. Remedial education, revocation or suspension; fines.**

The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54-1-1100 et seq ) of Title 54-1 of the Code of Virginia, or any regulation of the board

Pursuant to the Administrative Process Act §§2-2-4019 and 2-2-4021 of the 1950 Code of Virginia, as amended

On February 16, 2006, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Cornerstone Custom Builders, Inc ("Cornerstone") to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was signed for and received.

On March 28, 2006, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Larry Simpson, on behalf of Cornerstone, Respondent, Emily Theimer, Witness, Jennifer Kazzie, Staff Member, and Robert Kirby, Presiding Board Member.

During the IFF, Larry Simpson ("Simpson") testified that his son took care of all the finances for Cornerstone. Simpson also stated that Cornerstone is no longer a viable company and his son has moved to North Carolina. Simpson has since applied and been issued a new contractor's license for Patriot Custom Builders LLC. As a result of the initial complaint filed against Cornerstone and after applying for the license for Patriot Custom Builders LLC, Simpson became aware of judgments obtained against him and/or Cornerstone. Since then, Simpson has made attempts to satisfy the judgments and any outstanding debts.

The Amended Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

The Board and Cornerstone Custom Builders Inc, as evidenced by the signatures affixed below, enter into this Consent Order. Cornerstone Custom Builders Inc knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2-2-4020 and 2-2-4021 of the 1950 Code of Virginia, as amended.

By signing this Consent Order, Cornerstone Custom Builders Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Counts as outlined in the Amended Report of Findings. Cornerstone Custom Builders Inc consents to the following term(s):

	Count 1	18 VAC 50-22-260 B 28 (four violations)	\$200.00 each
	Count 2	18 VAC 50-22-260 B 2	\$300.00
			_____
	TOTAL MONETARY PENALTIES		\$1,100.00

In addition, for violation of Count 1, Cornerstone Custom Builders Inc agrees to pay the outstanding judgments and provide proof of satisfaction within sixty (60) days of entry of this Order.

In addition, Cornerstone Custom Builders Inc agrees to pay the outstanding monetary penalties owed for File No. 2004-03067 within sixty (60) days of entry of this Order.

Cornerstone Custom Builders Inc also agrees to pay \$300.00 in Board costs.

Any monetary penalties, costs, and/or sanctions are to be paid/performed within thirty days of the effective date of this consent order unless otherwise specifically noted above. Cornerstone Custom Builders Inc acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of

a default, or the return of a check for insufficient funds, Cornerstone Custom Builders Inc will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58 1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due

Cornerstone Custom Builders Inc acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Cornerstone Custom Builders Inc's license until such time as there is compliance with all terms of this Order. Cornerstone Custom Builders Inc understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2 2-4019 and 2 2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2 2-4020 and 2 2-4021 of the 1950 Code of Virginia, as amended

The effective date of this Order shall be the date of execution by the Board

SEEN AND AGREED TO

\_\_\_\_\_  
Cornerstone Custom Builders Inc  
t/a Cornerstone Custom Builders Inc

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2006

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

SO ORDERED

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2006

Board for Contractors

BY \_\_\_\_\_  
Jay W DeBoer, Secretary

EOO

**VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATION DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917**

**AMENDED  
REPORT OF FINDINGS**

**BOARD** Board for Contractors  
**DATE** October 17, 2005 (revised February 13, 2006 and  
amended March 28, 2006)

**FILE NUMBER** 2006-00589  
**RESPONDENT** Cornerstone Custom Builders Inc  
**LICENSE NUMBER** 2705014281  
**EXPIRATION** August 31, 2006

**SUBMITTED BY** Investigator Jennifer Counts  
**APPROVED BY** Assistant Director Janet Creamer

**COMMENTS**

Companion to File No 2006-00590

On December 14, 2005, the Board for Contractors suspended license number  
2705014281

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Cornerstone Custom Builders Inc ("Cornerstone") was at all times material to this matter  
a Class A contractor in Virginia (No 2705014281)

Based on the analysis and investigation of this matter, there is probable cause to believe  
the respondent has committed the following violation of the Board's regulation(s)

**BACKGROUND**

On August 4, 2005, the Compliance & Investigations Division of the Department of  
Professional and Occupational Regulation received information from Joseph Haughwout,  
Jr , Legal Assistant, regarding Cornerstone (Exh C-1)

On August 7, 1992, Cornerstone was issued Class A contractor's license number  
2705014281 as a corporation Larry R Simpson Sr ("Simpson"), individual tracking

number 2706028462, is the Responsible Management, Designated Employee, and Qualified Individual for license number 2705014281 (Exh I-1)

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1 Board Regulation (Effective January 1, 2003) (FOUR VIOLATIONS)

18 VAC 50-22-260 *Filing of charges, prohibited acts*

B The following are prohibited acts

28 Failure to satisfy any judgments

FACTS

On January 9, 2004, in the General District Court of Culpeper County, Robert W Rice was awarded a \$1,527 58 judgment against Cornerstone As of August 12, 2005, Cornerstone failed to satisfy the judgment (Exh I-3)

On January 13, 2004, in the Fairfax County General District Court, Kellogg Corporation was awarded a \$1,431 31 judgment against Cornerstone (Exh I-6) As of February 13, 2006, Cornerstone failed to satisfy the judgment (Exh I-7)

On August 13, 2004, in the General District Court of Orange County, Eugene N Sullenberger, t/a Weatherseal Insulation Co , was awarded a \$1,229 50 judgment against Larry Simpson, Registered Agent for Cornerstone As of August 3, 2005, neither Simpson nor Cornerstone have satisfied the judgment (Exh I-5)

On October 8, 2004, in the General District Court of Culpeper County, Ralph Dwyer was awarded a \$1,985 00 judgment against Cornerstone As of August 12, 2005, Cornerstone failed to satisfy the judgment (Exh I-4)

On December 16, 2004, Gina Sullenberger ("Sullenberger"), owner of Weatherseal Insulation Co , sent Cornerstone a fax that indicated Cornerstone had paid \$545 00 and the remaining balance was \$570 00 Sullenberger also indicated that, if Cornerstone promptly paid the \$570 00, she would waive 8% interest (Exh R-1(6))

In a written response received August 25, 2005, Larry Simpson Sr stated, "In regards to Robert Rice and Ralph Dwyer, we have pulled information from Culpeper General District Court to get the amounts of these judgments We were unaware that they were owed by plan to get them settled in the near future " (Exh R-1)

In a written response dated October 17, 2005, Emile Theimer, on behalf of Cornerstone, stated, "In reference to Robert Rice, Eugene Sullenberger, and Ralph Dwyer, these judgments are scheduled to be paid by January 1, 2006 " (Exh R-2)



**2      Board Regulation (Effective January 1, 2003)**

**18 VAC 50-22-260    Filing of charges, prohibited acts**

**B      The following are prohibited acts**

- 2      Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a license**

**FACTS**

**On April 21, 1997, in the Shenandoah County General District Court, C & S Carpet Inc was awarded a \$1,881 07 judgment against Cornerstone    As of February 9, 2006, Cornerstone has not satisfied the judgment    (Exh I-9)**

**On August 4, 1997, in the Shenandoah County General District Court, Shenandoah Woodworks Inc was awarded a \$1,517 30 judgment against Cornerstone    As of February 9, 2006, Cornerstone has not satisfied the judgment    (Exh I-8)**

**Pursuant to 18 VAC 50-22-130 B, applicants for renewal of a Class A license shall continue to meet all of the qualifications for licensure set forth in 18 VAC 50-22-60**

**18 VAC 50-22-60 E states, in part, "The firm, its designated employee, qualified individual or individuals, and all members of the responsible management of the firm shall submit information on any past-due debts and judgments    "**

**On July 28, 2004, Cornerstone renewed its Class A contractor's license    (Exh I-10)**

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1 Name Robert Kirby  
2 Title Presiding Board Member  
3 Agency Board for Contractors  
4 Transaction Informal Fact-Finding Conferences on March 28, 2006  
5 Nature of Personal Interest Affected by Transaction PRES O.F. KIRBY, INC.  
KIRBY & KIRBY ASSOC.

6 I declare that

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction

AGC OF VA, PM PVA, BUILDERS & CONTRACTORS EXCH.

(b) I am able to participate in this transaction fairly, objectively, and in the public interest

Robert Kirby  
Signature

3/28/06  
Date